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ETH-1615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of  
JOSEPH H. CONTILIANO ET AL.

Group Art Unit: 3722

Serial No.: 10/033,543

Examiner: Pedro Philogene

Confirmation No.: 7364

Filed: December 27, 2001

I hereby certify that this correspondence and/or fee is being deposited with the United States Postal Services as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

For: POLYMER-BASED ORTHOPEDIC  
SCREW AND DRIVER SYSTEM WITH  
INCREASED INSERTION TORQUE  
TOLERANCE AND ASSOCIATED  
METHOD FOR MAKING AND USING  
SAME

April 16, 2004

Date of Deposit

Judith M. Trauma  
(Signature)

April 16, 2004  
(Date)

X

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, applicants and their attorney respectfully request that the following patents and publications, copies of which are attached hereto, be made of record in the official United States Patent and Trademark Office file relating to the above-identified application. These references were cited by the Examiner in the related case, U.S. Patent Application No. 09/969,779, or more than three months ago, in a communication from the European Patent Office regarding a counterpart application to U.S. Patent Application No. 09/969,779. The citation of these patents and publications should not be construed as an admission that they contain statutory prior art with respect to the present invention.

04/21/2004 HALI11 00000008 501402 10033543

01 FC:1806

180.00 DA

U.S. Patents

5,057,110  
5,810,821  
6,187,008

6,423,062  
6,458,134  
6,471,707

6,517,543  
6,547,792  
6,565,291

Foreign Patent Publications

European Patent Publication No. 0 502 698  
European Patent Publication No. 1 055 398  
French Patent Publication No. 2 720 627  
French Patent Publication No. 2 721 819  
Japanese Patent Publication No. 07 213534


Publication

US 2001/034520 A1

In order to facilitate the Examiner's citation of the patents and publications listed above, applicants' attorney has completed United States Patent and Trademark Office Form PTO/SB/08A. The completed Form is attached hereto for the Examiner's convenience.

A fee of \$180 is believed to be due in connection with the submission of this Information Disclosure Statement. The Examiner is hereby authorized to charge this fee to Deposit Account No. 501402. If any such fees are due, the Examiner is hereby authorized to charge them to Deposit Account No. 501402.

Respectfully submitted,  
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|---|----------------------|---|---|--------------------|------------|-------------|-------------------|----------------------|----------------------|----------|------|---------------|-----------------|------------------------|----------|
| <p>Substitute for form 1449A/PTO</p> <p style="font-size: 1.2em; font-weight: bold;">INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</p> <p>(use as many sheets as necessary)</p> |                      | <p><b>Complete if Known</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Application Number</td><td>10/033,543</td></tr> <tr><td>Filing Date</td><td>December 27, 2001</td></tr> <tr><td>First Named Inventor</td><td>Joseph H. Contiliano</td></tr> <tr><td>Art Unit</td><td>3722</td></tr> <tr><td>Examiner Name</td><td>Pedro Philogene</td></tr> <tr><td>Attorney Docket Number</td><td>ETH-1615</td></tr> </table> |   | Application Number | 10/033,543 | Filing Date | December 27, 2001 | First Named Inventor | Joseph H. Contiliano | Art Unit | 3722 | Examiner Name | Pedro Philogene | Attorney Docket Number | ETH-1615 |
| Application Number  | 10/033,543           |   |   |                    |            |             |                   |                      |                      |          |      |               |                 |                        |          |
| Filing Date   | December 27, 2001    |   |   |                    |            |             |                   |                      |                      |          |      |               |                 |                        |          |
| First Named Inventor  | Joseph H. Contiliano |   |   |                    |            |             |                   |                      |                      |          |      |               |                 |                        |          |
| Art Unit  | 3722                 |   |   |                    |            |             |                   |                      |                      |          |      |               |                 |                        |          |
| Examiner Name   | Pedro Philogene      |   |   |                    |            |             |                   |                      |                      |          |      |               |                 |                        |          |
| Attorney Docket Number  | ETH-1615             |   |   |                    |            |             |                   |                      |                      |          |      |               |                 |                        |          |
| Sheet   | 1                    | of  | 1 |                    |            |             |                   |                      |                      |          |      |               |                 |                        |          |

| U.S. PATENT DOCUMENTS |                          |                 |                                      |                                |  |   |  |
|-----------------------|--------------------------|-----------------|--------------------------------------|--------------------------------|--|---|--|
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number |                                      | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |  |
|                       |                          | Number          | Kind Code <sup>2</sup><br>(if known) |                                |  |   |  |
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|                       | 2                        | US-             | 5,810,821                            | 09-1998                        | Vanderwalle  |   |  |
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| FOREIGN PATENT DOCUMENTS |                          |                         |                     |                                 |                                |  |  |                |
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| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document |                     |                                 | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
|                          |                          | Office <sup>3</sup>     | Number <sup>4</sup> | Kind <sup>5</sup><br>(if known) |                                |  |  |                |
|                          | 11                       | EP                      | 0 502 698           | A                               | 09-09-1992                     | Linvatec Corp.                                     |  |                |
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|--------------------------|-----------------------|
| Examiner Signature _____ | Date Considered _____ |
|--------------------------|-----------------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.